

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

NEEMA MUSHI, :
Plaintiff : **CIVIL ACTION NO. 3:21-1300**
v. : **(JUDGE MANNION)**
LJ ROSS ASSOCIATES, INC., :
Defendant :

ORDER

Pending before the court is the second report of Magistrate Judge Joseph F. Saporito, Jr., in the above matter, which recommends that the plaintiff's claims be dismissed with prejudice. (Doc. 16). The parties have failed to file objections to the report and recommendation.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court

may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

By order dated July 8, 2022, the court adopted the initial report and recommendation of Judge Saporito in its entirety. (Doc. 15). The plaintiff's complaint was dismissed without prejudice and the plaintiff was permitted leave to file an amended complaint. The matter was remanded to Judge Saporito for further proceedings.

On August 1, 2022, Judge Saporito issued the instant report in which he indicates that the plaintiff was given until July 29, 2022 to file her amended complaint. The plaintiff failed to file an amended complaint as directed and no submissions have been received from the plaintiff since the July 8, 2022 dismissal order was issued. Judge Saporito recommends, therefore, that the plaintiff's action now be dismissed with prejudice. Upon review of Judge Saporito's report and recommendation, the court finds no clear error of record. Moreover, the court agrees with the sound reasoning which led Judge Saporito to his conclusions as outlined in his initial report. As such, the court will adopt the report and recommendation in its entirety.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1)** The report and recommendation of Judge Saporito (**Doc. 16**) is **ADOPTED IN ITS ENTIRETY** as the decision of the court.
- (2)** The instant action is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief can be granted.
- (3)** The Clerk of Court is directed to **CLOSE THIS CASE**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: September 8, 2022

21-1300-02